

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 12/13/2021**

RICHARD J. CAPAK,

Plaintiff,  
v.

RORY DORALL SMITH,

Defendant.

18-CV-4325 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

At the telephone conference held on October 29, 2021, the Court ordered Plaintiff to file a letter with on or before November 29, 2021 indicating his availability for trial within the first six months of 2022 and noting whether he wishes to proceed with a jury or bench trial. To date, no such letter has been filed. Plaintiff is ordered to file said letter on or before December 20, 2021. The Clerk of Court is respectfully directed to mail a copy of this order to Defendant.

SO ORDERED.

Dated: December 13, 2021  
New York, New York



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RONNIE ABRAMS  
United States District Judge